

ENTERED

November 16, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Clinton Harnden

Defendant)
)
)
)
)
)

4:23-mj-02048-1

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear

Immediately upon release from USM custody*Date and Time*

at

Pretrial Services, 515 Rusk St., 6th Floor, Houston, TX 77002*Place*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (☒) (6) The defendant is placed in the custody of: Brother-in-law

Person or organization

Address (only if above is an organization)

City and state

Royce Stengele

Tel. No.

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed:

[Signature]
Custodian

11-16-2023

Date

- (☒) (7) The defendant must:

- (☒) (a) submit to supervision by and report for supervision to the Pretrial Services, telephone number _____, no later than _____.
- (☒) (b) Maintain or actively seek FULL-TIME verifiable employment. If legally allowed to work and provide proof to the US Probation officer
- (☐) (c) continue or start an education program.
- (☐) (d) surrender any passport to: U.S. Probation within 24 hours of release
- (☒) (e) not obtain a passport or other international travel document.
- (☒) (f) abide by the following restrictions on personal association, residence, or travel: Brazos county TX and surrounding counties
Outside travel to be preapproved by the US Probation Office
- (☒) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Co Defendants or Co Conspirators, witnesses, victims or potential victims, including his daughter
- (☐) (h) get medical or psychiatric treatment: _____
- (☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
- (☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (☒) (k) not possess a firearm, destructive device, or other dangerous weapon.
- (☐) (l) not use alcohol (☐) at all (☐) excessively.
- (☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. Do not use or consume products containing or marketed as cannabidiol (CBD)
- (☒) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- (☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- (☒) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- (☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or
- (☒) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- (☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
- (☐) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
- Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (☐) (ii) Voice Recognition; or
 - (☐) (iii) Radio Frequency; or
 - (☒) (iv) GPS.
- (☒) (r) The defendant will incur the costs associated with any services related to drug testing/treatment, mental health treatment, housing placement, and or/location monitoring based on the ability to pay as determined by U.S. Probation.
- (☒) (s) report within 72 hours, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☐) (t) _____
- _____

Special Conditions

1. The defendant shall not use a computer or access the Internet unless for approved employment purposes. Should possession of a computer be allowed, the defendant shall submit to computer monitoring and shall pay for the cost of monitoring. Defendant shall not be in possession of any internet passwords.
2. The defendant shall not use a cellular phone which has internet access, without prior approval of U.S. Probation. The defendant shall allow U.S. Probation to view his phone statements to monitor for internet access. Should possession of a smartphone be allowed, the defendant shall submit to computer monitoring and shall pay for the cost of monitoring.
3. The defendant shall not use or possess any gaming consoles or devices without prior permission from the Pretrial Officer.
4. No use of any devices offering internet access as a means of accessing any materials that relates to the criminal activity charged in the pending allegations.
5. Do not possess or peruse any authentic, altered or manufactured, in whatever form, material that depicts and/or describes "sexually explicit conduct" as defined in 18 USC 2256(2) or "child pornography" as described in 18 USC 2256(8).
6. No contact with any minor under the age of 18. No unsupervised contact with minor daughter.
7. Not to volunteer in organizations or activities involving minors under 18.
8. Not to frequent places where minors are likely to visit, such as schools, playgrounds, swimming pools, arcades, etc.
9. No loitering or be found within 100 feet of any school yard, park, playground, arcade or other place primarily used by children under the age of 18.
10. If convicted of a sex-related offense, the defendant shall comply with state law regarding sex offender registration.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

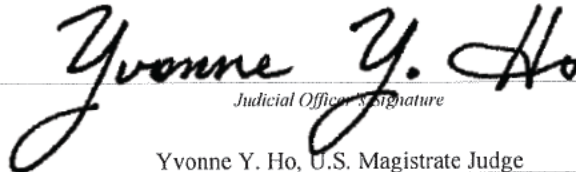


Defendant's Signature

Street, City, State, and Phone Number

Directions to the United States Marshal

- (☐) The defendant is ORDERED released after processing.
- (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: November 16, 2023


Judicial Officer's Signature

Yvonne Y. Ho, U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL